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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,665

08/25/2006

Bengt Adolfsson

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EXAMINER

LESLIE, MICHAEL S

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

10/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,665	Applicant(s) ADOLFSSON, BENGT	
	Examiner MICHAEL LESLIE	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/27/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "pressure controlled valve" (claims 8 & 27), and the "supply conduit" in the "crankcase" or "piston wall" (claim 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Objections

Claims 1 and 7 are objected to because of the following informalities: Claim 1, Line 1, "two" should be deleted; and Claim 7, Line 4, "the element" should be --the part--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "positioned in a groove ... the other one of the parts" (lines 3-4) and "positioned in a sealing ring seat ... one of the parts" (lines 6-7), which appear to recite overlapping limitations that make the claim unclear.

Claim 1 recites "means for balancing", but the specification does not specifically point out what is considered to be included in the "means".

Claim 2 recites "a valve device" which is confusing because the specification describes the sealing ring (recited in claim 1) as being the "valve device".

Claim 3 recites the limitation "the valve device" in line 2. There is insufficient antecedent basis for this limitation in the claim. It appears that claim 3 should depend from claim 2.

Claim 9 recites "a sealing device" disposed "in a position opposite ... means for liquid supply", the location of the "sealing device" is unclear because the position of the "means for liquid supply" has not been defined in the claim and no frame of reference with respect to "opposite" has been given. The position of the "sealing device" cannot be determined.

Claim 16 recites "means for balancing", but the specification does not specifically point out what is considered to be included in the "means".

Regarding claim 20, the phrase "such as: for example" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 21 recites "a valve device" which is confusing because the specification describes the sealing ring (recited in claim 16) as being the "valve device".

Claim 28 recites "a sealing device" disposed "in a position opposite ... means for liquid supply", the location of the "sealing device" is unclear because the position of the "means for liquid supply" has not been defined in the claim and no frame of reference with respect to "opposite" has been given. The position of the "sealing device" cannot be determined.

Claims 4-8 and 10-15 are rejected at least due to their dependence from claim 1, and claims 17-20, 22-27, and 29 are rejected at least due to their dependence from claim 16.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4, 8, 9, 12, 13, 15, 16, 19-22, and 26-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Haughom (WO 03/038320).

Haughom discloses a sealing arrangement for a piston device having relatively movable first and second parts (8, 22) including a sealing ring (24) positioned in a groove (not labeled) on one of the parts and in sealing contact with the other part separating a first side of the sealing ring from a second side of the sealing ring, and a liquid supply (42). The arrangement further includes a valve device (44) in the form of a pressure controlled valve preset to limit the pressure of the supplied liquid to about 80-100%, and a sealing device (27). Wherein the first and second parts are a relatively reciprocating piston and cylinder, and at least one of the parts includes at least one outlet channel (52). The liquid supply includes an external pump having a supply conduit (54; 66) debouching in one of the cylinder wall, a crankcase, and a piston wall.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haughom (WO 03/038320) in view of Bartley (4055107).

Haughom discloses a sealing arrangement for a piston device as disclosed above, capable of use between relatively rotatable first and second parts, and further including the sealing

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device, but does not teach that the sealing device includes a first, high pressure seal member and a second, low pressure seal and an intermediate space having a low pressure fluid outlet.

Bartley teaches a sealing device for relatively movable first and second parts (10), wherein the sealing device includes a first, high pressure seal member (51) and a second, low pressure seal (43) and an intermediate space (49) having a low pressure fluid outlet (57) for collecting and draining fluid.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the arrangement of Haughom by having a sealing device including a first, high pressure seal member and a second, low pressure seal and an intermediate space having a low pressure fluid outlet as taught by Bartley for the purpose of collecting and draining fluid.

Allowable Subject Matter

Claims 5-7, 17, 18, and 23-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL LESLIE whose telephone number is (571)272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
October 27, 2008

/Michael Leslie/
Primary Examiner, Art Unit 3745